

**IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF ALABAMA  
 EASTERN DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>PLAINTIFF,</b>	)	
	)	
<b>V.</b>	)	<b>CV-09-BE-2423-E</b>
	)	
<b>JAMES J. STRICKER, et al.,</b>	)	
	)	
<b>DEFENDANTS.</b>	)	
	)	

**DEFENDANTS AMERICAN INTERNATIONAL  
 GROUP, INC.'S AND THE TRAVELERS COMPANIES, INC.'S  
 MOTION TO DISMISS COUNTS III AND IV**

Defendants American International Group, Inc. (“AIG”) and The Travelers Companies, Inc. (“Travelers”) (collectively, “Movants”) move this Court, pursuant to Fed. R. Civ. P. 12(b)(6), to dismiss Counts III and IV of the Complaint for failure to state a claim upon which relief can be granted. This Motion is based upon the Complaint, the exhibits attached thereto, and Movants’ Brief in Support of their Motion to Dismiss, which is being filed contemporaneously with this Motion. As discussed more fully in Movant’s brief, Counts III and IV of the Complaint should be dismissed for the following reasons:

1. Neither of the Movants is a proper party to this action as they are holding companies, not insurance companies, and paid no monies to anyone, pursuant to insurance policies or otherwise;

2. Counts III and IV are barred by the statute of limitations; and

3. Counts III and IV lack sufficient factual allegations to state a plausible claim under the Medicare Secondary Payer Act.

For these reasons, Movants respectfully request that this Court grant their Motion to Dismiss.

DATED: May 5, 2010

Respectfully submitted,

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Application for *Pro Hac Vice* Pending

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 5th day of May, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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